

**Department of Environmental Quality – Bacteria TMDL Modification of  
James River and Tributaries – Hopewell to Westover  
in Chesterfield, Charles City, Prince George, and Hopewell, Virginia.**

**The Department of Environmental Quality (DEQ) would like to inform the public of a retraction of previously proposed minor modifications of the Total Maximum Daily Load (TMDL) developed for the James River (tidal) segment.**

A total maximum daily load of *E. coli* was developed to address the bacterial impairments in the waterways and counties mentioned above. This TMDL was approved by the Environmental Protection Agency on 07/10/2008. A modification (to remove an unnecessary WLA and add to future growth in James River segment) was approved on 7/7/2009. The report and previous modification are available by searching the approved TMDL reports page at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx>. A public comment period was held for proposed modifications from Oct 10 – Nov 10, 2011. One comment was received in support of DEQ's proposed actions. The Virginia Department of Environmental Quality (DEQ) would like to provide notification regarding the redacted changes and seeks comments from interested persons.

DEQ previously proposed eight modifications for the James River (tidal) TMDL. DEQ proposes to now retract the proposed modification to assign a waste load allocation (WLA) for existing facility Rock Tenn (formerly known as Smurfit Stone Container Corporation, permit #VA0004642), an industrial facility with a maximum discharge of 0.288 MGD (at outfall 002). A limit for *E. coli* in the permit was considered because a sample submitted by the facility as part of their permit reissuance indicated the presence of bacteria. The sample, taken from an outfall receiving car-rinse water is believed to be caused by wildlife. Bacteria runoff from wildlife sources at the site is already modeled in the Load Allocation (non-point source category). For this reason, DEQ believes the proposed WLA for the facility based on the design flow at the standard of 5.01E+11 colony forming units per year (cfu/yr) *E. coli*, is unnecessary. Therefore, the loading will not be allocated to the facility or removed from Future Growth.

Current DEQ guidance on TMDL modifications instructs regions to track the addition or subtraction of Single Family Home General Permits (SFHGP), rather than modifying the TMDL for each change, providing the additions or subtractions are in compliance with the TMDL and future growth loading. Therefore, the remaining proposed modifications included in the previous notice will not be pursued with EPA at this time. These modifications included the addition of five new WLAs for domestic dischargers VAG404083 (UT Walls Run), VAG404132 (Parish Hill Creek), VAG404199 (James River), VAG404270 (UT James River), and VAG404271 (UT James River), which are single family home facilities, each with a design flow each of 0.001 million

gallons per day (MGD). The WLA that was to be assigned to each facility based on design flow at the standard is equal to  $1.75\text{E}+09$  (cfu/yr) *E. coli*. For modifications 7 and 8, DEQ proposed to remove the WLA assigned to two single family home permits; VAG404131 and VAG404215, which are no longer in operation. Their respective WLAs of  $1.75\text{E}+09$  (cfu/yr) *E. coli* (each) were to be added to "Future Growth" load. The combined revised "Future Growth" load in the James River (tidal) TMDL as a result of these modifications was to be equal to  $7.66\text{E}+14$  (cfu/yr) *E. coli*. DEQ also proposed two modifications to Powell Creek in the previous public notice. The first was to add a domestic discharger (VAG404083), which is a SFHGP with a design flow of 0.001 million gallons per day (MGD), and assign a waste load allocation (WLA) of  $1.75\text{E}+09$  colony forming units per year (cfu/yr) for *E. coli* in the Powell Creek TMDL. The second modification is to remove domestic discharger VAG404131 which is a single family home facility with a WLA of  $1.75\text{E}+09$  (cfu/yr) *E. coli* which is no longer in operation. The addition of one discharger and subtraction of another would equal a net change of 0% of the Powell Creek TMDL. Again, DEQ proposes to track these SFHGP changes rather than formally modify the TMDL at this time.

In summary, no formal modification will be pursued for the James River and Tributaries – Hopewell to Westover TMDL at this time. The addition and subtraction of Single Family Home General Permits will be tracked internally at DEQ to ensure compliance with the TMDL. The public comment period for the retraction will end on April 16, 2012. Please send comments to Margaret Smigo, Department of Environmental Quality, Piedmont Regional Office, 4969-A Cox Road, Glen Allen, Virginia, 23060, or by email at [Margaret.Smigo@deq.virginia.gov](mailto:Margaret.Smigo@deq.virginia.gov), or by fax (Attn. Margaret Smigo) at (804)527-5106. Please contact Margaret at (804)527-5124 with any questions.